

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

ETHAN RADVANSKY, on behalf of
himself and others similarly situated,

Plaintiff,

v.

DESTINATION XL GROUP, INC.,

Defendant.

Case No. 1:25-cv-02777-TWT

Hon. Thomas W. Thrash, Jr.

**CONSENT MOTION FOR AN EXTENSION OF TIME FOR DEFENDANT
TO ANSWER, MOVE, OR OTHERWISE RESPOND TO COMPLAINT**

Defendant Destination XL Group, Inc. (“Defendant”) hereby respectfully submits this **consent** motion for an extension of time for Defendant to answer, move, or otherwise respond to Plaintiff’s Complaint (*see* Dkt. 1, “Complaint”) in the above-captioned matter, to and including **August 4, 2025**, and states as follows:

1. Plaintiff filed his putative class action Complaint in this matter on May 19, 2025. *See generally* Dkt. 1. Defendant waived service of process on May 20, 2025, making its *current* initial responsive pleading deadline in this matter July 21, 2025. *See* Dkt. 6. Plaintiff has agreed to a two-week extension, to August 4, 2025.

2. There are several reasons as to why Defendant and its counsel seek and are in need of an extension of time as to Defendant’s aforementioned initial responsive pleading deadline: *First*, Defendant and the undersigned counsel need

sufficient time to confer with their client, adequately investigate the underlying facts and allegations in the Complaint, prepare an appropriate responsive pleading(s), and potentially explore an extra-judicial resolution with Plaintiff's counsel, the latter of which may obviate the need for Defendant to respond to the Complaint altogether if successful. *Second*, Defendant's counsel have several unmovable professional and personal scheduling conflicts with the current pleading deadline (including multiple briefs and hearings in other matters and out-of-town travel), which make completing the foregoing tasks by the current deadline extraordinarily difficult, if not impossible. *Third*, though it denies liability, Defendant desire to explore an extra-judicial resolution of this dispute with Plaintiff without incurring additional legal expenses or burdening the Court or its resources, and therefore requires additional time prior to the current deadline to do so. *Fourth*, a short extension will promote efficiency and conserve judicial and party resources, by allowing Defendant sufficient time to investigate the Plaintiff's claims, and to attempt to reach an extra-judicial resolution without engaging in motion practice.

3. Defendant has not previously requested an extension in this matter.
4. On July 15, 2025, counsel for Defendant conferred with counsel for Plaintiff regarding this Motion prior to its filing, who indicated in writing the same day that Plaintiff has no objection to and does not oppose the requested extension.

5. The foregoing request is not being made for the purpose of delay, and is made in good faith and for the purposes of efficiency and judicial and party economy. Since this matter is still in its early stages and Plaintiff has indicated that Plaintiff do not oppose, the requested extension will not result in any prejudice to anyone or impact the timely resolution of this case.

6. Thus, “good cause” exists for granting this extension for at least the reasons above.

7. In seeking the foregoing extension, Defendant does not waive, and expressly reserves, all defenses relating to the Complaint, including jurisdictional defenses, any arbitral rights, and the right to move to dismiss or to compel arbitration, if/when appropriate.

WHEREFORE, for these reasons, Defendant respectfully requests that this Court enter an order (i) granting Defendant an extension of time to answer, move, or otherwise respond to the Complaint in this action (*see* Dkt. 1) **to and including August 4, 2025**; and (ii) granting Defendant all other relief the Court deems just and proper. A proposed order has been submitted herewith for consideration.

Respectfully submitted this 15th day of July, 2025.

By: /s/ Stephen D. Libowsky

MANATT, PHELPS & PHILLIPS, LLP

Stephen D. Libowsky (GA Bar No. 451965)
151 N. Franklin Street, Suite 2600
Chicago, Illinois 60606
Tel: (312) 529-6300
Email: slibowsky@manatt.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO RESPOND TO PLAINTIFF'S COMPLAINT** upon all parties to this matter by electronically filing it with the Clerk of Court using the CM/ECF system, which automatically will send e-mail notification of such filing to the attorneys of record in this matter.

Respectfully submitted this 15th day of July, 2025.

/s/ Stephen D. Libowsky

Stephen D. Libowsky